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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/887,949   | 06/22/2001  | Ki Yeol Kim          | 2529-000062         | 7705             |
| 27572  | 7590        | 05/04/2006           | EXAMINER            |                  |
| HARNESS, DICKEY & PIERCE, P.L.C.<br>P.O. BOX 828<br>BLOOMFIELD HILLS, MI 48303 |             |                      | LEVINE, ADAM L      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3625                |                  |

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/887,949

**Applicant(s)**

KIM, KI YEOL

**Examiner**

Adam Levine

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 22 June 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is a first office action in response to the application filed June 22, 2001.

Claims 1-11 are pending and examined in this action.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. Receipt is acknowledged of a certified copy of the P2000-41393 application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is

considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign application and is accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

### ***Drawings***

Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**1. Claims 5, 8, 9, and 10, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claims 5, 8, 9, and 10, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 5, the phrase "and the like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Regarding claims 8, 9, and 10, the phrase "and so on" renders the claims indefinite because it is unclear whether all of the limitation(s) in the universe that potentially follow the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hare (US Patent No. 6,850,900).**

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the claims, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Hare teaches all the limitations of claims 1-11. For example, Hare discloses a multi-level hierarchical operation method for a cyber shopping mall applied to an information communication system including multiple levels of suppliers, sellers, and buyers. Hare further discloses:

- building in a cyber shopping mall server meta data for operating the cyber shopping mall: such as cyber shop classification criteria, requirements by field, code-granting methods, database-constructing methods, and the like, meta data includes, information for operating the cyber shopping mall such as the cyber shop classification criteria, requirements by field, code-granting method, database-constructing method, and so on (see at least abstract, figs.1,4; column 1 lines 15-22, column 3 line 16 – column 4 line 10, column 4 line 47 – column 5 line 5, column 12 lines 48-60, column 13 lines 8-18, 45-54).
- receiving, by the cyber shopping mall server, cyber shop opening application information in the cyber shopping mall from users who wish to operate cyber shops: (see at least figs.1,6A-S, column 6 lines 49-67, column 9 lines 62-67, column 13 lines 19-27).
- selecting, by the cyber shopping mall server, hierarchical categories to which the cyber shops belong by using the cyber shop opening application information and existing shop information based on classification criteria defined by the meta data: meta data includes information for operating the cyber shopping mall such as the cyber shop classification criteria, requirements by field, code-granting method, database-constructing method, and so on (see at least column 4 lines 30-46, column 9 line 62-column 10 line 16, column 22 line 66- column 23 line 3, column 23 lines 32-50).
- granting, by the cyber shopping mall server, codes to the cyber shops and interconnecting upper and lower layers through databases with reference to the

meta data based on the hierarchical classification of the cyber shops selected:

meta data includes information for operating the cyber shopping mall such as the cyber shop classification criteria, requirements by field, code-granting method, database-constructing method, and so on (see at least figs.1,4,6,11; column 3 line 16 – column 4 line 10, line 47 – column 5 line 5, column 31 lines 11-21).

- notifying, by the cyber shopping mall server, the users of the operations of the cyber shops applied for opening by the users by utilizing the cyber shop information of lower and upper layers interconnecting the cyber shops and the databases: (see at least column 12 lines 19-34, column 14 lines 25-45, column 15 line 18 – column 16 line 15. Please note: this is interpreted as communicating with the suppliers using the information that connects upper and lower level shops with the databases); cyber shops can share for use members information and goods information built by the cyber shops of lower and upper layers, upper-layer cyber shops can use the goods information of the lower-layer cyber shops and deal with corresponding goods (see at least column 1 lines 15-22, column 3 line 66 – column 4 line 10, line 47 – column 5 line 5, column 7 lines 1-9, column 9 lines 26-35, column 10 line 66 – column 11 line 7).

*Pertaining to computer readable medium claim 11*

Computer readable medium claim 11 is rejected based on the same rationale as noted above.



***Requirements for Information under 37 CFR 1.105***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This information is required to complete the record for analysis of potential public disclosure and to identify products and services embodying the disclosed subject matter and identify the properties of similar products and services found in the prior art. Thus, the following information is requested concerning the listed materials.

(iii) *Related information*: A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.

(iv) *Information used to draft application*: A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.

(vii) *In Use*: Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.

In addition to the above, information pertaining to the following specific instances of public use or disclosure is requested:

- Materials used in preparation of article entitled, "Symposium Offers First Peek at Korea's New Leading Edge Software Technology Companies," Dec.9, 1999; Business Wire, p.1.
- Materials used, and any records pertaining to the display of the product that incorporates tools to construct and operate an internet shopping mall, disclosed in above document dated Dec.9, 1999.
- Materials relating to the marketing of the program to construct an online shopping mall, disclosed in the article entitled, "Korean e-commerce solution firm advances into U.S., Japan," Dec.11, 1999; Korea Herald, p.1.
- Any information pertaining to Commerce21, the program to construct an online shopping mall, and its use by more than 60 percent of local internet shopping malls, disclosed in the above article dated Dec. 11, 1999.
- Materials used in preparation of above article dated Dec. 11, 1999.

Also in response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

***Waiver of Fee***

The fee and certification requirements of 37 CFR § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR § 1.105 are subject to fee and certification requirements of 37 CFR § 1.97.

The Applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Schacklett, Mary; "Nine ways to create a retail environment on your Web site," Jan.2000, Credit Union Magazine, pp.12-13. Teaches an online cybermall structured as a vertical portal in which a variety of products and services are offered through an anchor store with access to complimentary and related services and products.
- "Symposium Offers First Peek at Korea's New Leading Edge Software Technology Companies," Dec.9, 1999; Business Wire, p.1. Refers to E-net Corporation and its Commerce21 software product that provides tools for construction and operation of an online shopping mall.
- "Korean e-commerce solution firm advances into U.S., Japan," Dec.11, 1999; Korea Herald, p.1. Describes E-Net Corp. and its Commerce21 software to construct an online shopping mall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Fadok can be reached on 571.272.6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Adam Levine  
Patent Examiner  
April 22, 2006



Robert M. Pond  
Primary Examiner